

In re: Caldwell et al.
Serial No.: 09/522,117
Filed: March 9, 2000
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24. (New) The compound according to Claim 21, wherein the compound has a (S)-configuration.

25. (New) The compound according to Claim 21, wherein the compound has ha an (R) configuration.

26. (New) The compound according to Claim 21, wherein the compound is (2S)-(4E)-N-methyl-5-(5-isopropoxy-3-pyridyl)-4-penten-2-amine.

27. (New) The compound according to Claim 21, wherein the compound is (2R)-(4E)-N-methyl-5-(5-isopropoxy-3-pyridyl)-4-penten-2-amine.

Remarks

This Amendment is responsive to the Official Action dated August 2, 2000.

Applicants have deleted claims 12-20 without prejudice to pursuing these claims in a continuing application. Applicants have added new claims 21-27 reciting various N-methyl-5-(5-isopropoxy-3-pyridyl)-4-penten-2-amine compounds.

I. New Claims Are Patentable Over the Cited References

Applicants respectfully submit that new Claims 21-27 are patentable over the cited references. A generic formula does not by itself render a compound encompassed by that formula obvious absent some suggestion in the reference to select the particular combination of variables in the generic formula that would give rise to the compound. *See In re Baird*, 29 U.S.P.Q.2d 1550, 1552 (Fed. Cir. 1994). While the cited references propose numerous representative compounds, Applicants respectfully submit that these references do not disclose the compounds claimed in new Claims 21-27. Furthermore, Applicants respectfully submit that there is no suggestion in the cited references to select the particular combination of variables in the various disclosed generic formulae that would give rise to the claimed